

sequences of the same which are known and readily available. As the terms have a well-established meaning in the art and the sequences corresponding to those genes are both known and can be obtained by one of skill in the art, the terms ushA gene and aphA gene are definite.

Concerning 5'-inosinic acid or 5'-guanylic acid, Applicants submit herewith and direct the Examiner's attention to select pages from the Merck Index and the entries corresponding to the same demonstrating that the terms 5'-inosinic acid or 5'-guanylic acid are normally used by one of skill in the art to define a nucleoside 5'-phosphate ester. This is also consistent with the description in the present specification found in the paragraph bridging pages 1 and 2.

In view of the foregoing, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is requested.

The rejection of Claims 4 and 5 under 35 U.S.C. § 102(b) over Laird et al is respectfully traversed.

Laird et al describes "E coli mutants incapable of *de novo* purine biosynthesis and also lacking other periplasmic enzymes with 5'-nucleotidase activity (ushA and aphA)." However, Laird et al do not describe an Escherichia bacteria with the ushA and aphA genes disrupted and which has an ability to produce and accumulate nucleoside 5'-phosphate esters in a medium. Therefore, Laird et al does not anticipate the present claims and as such withdrawal of this ground of rejection is requested.

The rejection of Claims 4 and 5 under 35 U.S.C. § 103(a) over Thaller et al alone or in view of Cowman et al is respectfully traversed.

Thaller et al describe the identification of the aphA gene and on page 197, second paragraph that the aphA gene is a "physiological equivalent to the ushA gene." Thaller et al further describe "characterization of the parameters of this enzyme toward selected substrates, along with investigations on strains carrying genetically defined aphA mutations, are warranted to understand the physiological role of this class of highly conserved bacterial enzymes and to ascertain the significance of the phosphotransferase activities shown by these enzymes under laboratory conditions" (see page 198, col. 1). Therefore, while Thaller et al may describe the potential usefulness of studying aphA by mutating the gene, Thaller et al does not describe the claimed bacterium which has both the ushA and aphA genes disrupted and which has an ability to produce and accumulate nucleoside 5'-phosphate esters in a medium. Cowman et al merely describes the cloning of the ushA gene but also does not describe the nucleoside 5-phosphate ester producing and accumulating property found when the ushA gene and aphA genes have been disrupted in the bacteria. Therefore, in combination, the cited prior art provides no description for the claimed invention.

As shown in Tables 6 and 7 on pages 35 and 37, respectively, disruption of both genes facilitated the production and accumulation of IMP and GMP in the medium. For the Examiner's reference Table 6 is reproduced below:

Strain	Culture time (h)	Inosine (g/L)	IMP (g/L)
I/pMWpurFKQ	48	2.3	0
	48	2.3	0
I Δ ushA/pMWpurFKQ	51	3.1	0
	51	2.9	0
I Δ aphA/pMWpurFKQ	51	3.6	0
	51	3.2	0
I Δ ushA Δ /aphA/pMWpurFKQ	54	2.4	1.0
	54	2.6	0.6


The data in this Table demonstrate that only the bacterial strain deficient in both genes (row 4) was able to produce and accumulate IMP and the medium compared to either gene mutant alone (rows 2 and 3) or the parental strain (row 1). Therefore, even if one assumes that it would have been obvious to disrupt both genes, there would not have been an expectation that disrupting both genes rather than each individually would facilitate the production of nucleoside 5'-phosphate esters. This is particularly so in light Thaller et al who describes the aphA gene is a physiological equivalent of ushA gene

Therefore, the present claims are not obvious in view of the combination of Thaller et al and Cowman et al. Withdrawal of this ground of rejection is requested.

Applicants submit the present application is ready for allowance. Early notification of such allowance is kindly requested.

Respectfully submitted,

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IN THE CLAIMS

4. (Amended) [A] An isolated bacterium belonging to the genus Escherichia having an ability to produce and accumulate nucleoside 5'-phosphate ester in a medium, in which ushA gene and aphA gene are disrupted.

5. (Amended) The isolated bacterium belonging to the genus Escherichia according to Claim 4, wherein the nucleoside 5'-phosphate ester is selected from the group consisting of 5'-inosinic acid or 5'-guanylic acid.

Claims 1-3 and 6-8 are canceled.

Claims 9 and 10 are added.

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